Electronically filed

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No. 7,498,424 B2

Issued: March 3, 2009

Patentees: Palese *et al.*

For: NUCLEIC ACIDS ENCODING A NOVEL INFLUENZA VIRUS NON-STRUCTURAL PROTEIN (NS1)-BINDING HOST FACTOR DESIGNATED NS1I-1

Application No. 10/724,273

Filed: November 24, 2003

Attorney Docket No. 6923-119

REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner for Patents
ATTN: Certificate of Correction Branch
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.322, the Patentee hereby requests the issuance of a Certificate of Correction in connection with the above-identified patent. A Certificate of Correction setting forth the necessary correction is submitted herewith. Claim 20 in the issued patent incorrectly depends from claim 16. Patentee requests that claim 20 be amended to depend from claim 15. In support of its request, Patentee also submits herewith a copy of a Supplemental Amendment After Final, filed July 21, 2008, which contains a listing of the claims which were allowed pursuant to the Notice of Allowability mailed September 9, 2008.

Patentee respectfully submits that no fee is required for this Request because the error was incurred through error of the Patent Office. However, if any fee is deemed necessary, please charge such fee to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

Date: April 20, 2009

Laura A. Coruzzi — 30,742
Laura A. Coruzzi (Reg. No.)

By: Jennifer J. Chieda — 46,617
Jennifer J. Chieda (Reg. No.)

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Enclosures

PRINTER'S PROOF USE

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.	:	7,498,424
DATED	:	March 3, 2009
INVENTOR(S)	:	Peter Palese Robert O'Neill

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 62, line 6, replace "the host cell of claim 16" with -- the host cell of claim 15 --.

MAILING ADDRESS OF SENDER:
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FORM PTO 1050

PATENT NO. 7498424

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EFS-Web Receipt date: 07/21/2008
O.K. to Enter-/JSP/ 09/04/2008

10724273 - GAU: 1648
Electronically filed

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Palese et al.	Confirmation No.: 4596
Application No.: 10/724,273	Group Art Unit: 1648
Filed: November 24, 2003	Examiner: Parkin, Jeffrey S.
For: IDENTIFICATION AND USE OF ANTIVIRAL COMPOUNDS THAT INHIBIT INTERACTION OF HOST CELL PROTEINS AND VIRAL PROTEINS REQUIRED FOR VIRAL REPLICATION	Attorney Docket No.: 6923-119

SUPPLEMENTAL AMENDMENT AFTER FINAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In connection with the above-identified application and in accordance with the Rules of Practice, and in response to the Advisory Action Before the Filing of an Appeal Brief mailed May 16, 2008, please consider the amendments and remarks set forth below and enter them into the record for the application. Applicants concurrently submit herewith a Petition for Extension of Time a Petition for Extension of Time Under 37 C.F.R. 1.136(a) for two (2) months from May 31, 2008 to and including July 31, 2008 with a provision authorizing payment of the required fee.

Listing of the Claims begins on page 2 of this paper.

Remarks begin on page 5 of this paper.

Electronically filed

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Palese et al.	Confirmation No.: 4596
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SUPPLEMENTAL AMENDMENT AFTER FINAL

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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Listing of the Claims begins on page 2 of this paper.

Remarks begin on page 5 of this paper.

Listing of the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

1-45. (Canceled)

46. (Previously presented) An isolated nucleic acid comprising the nucleotide sequence of SEQ ID NO:19, or the complement thereof.

47. (Previously presented) An isolated nucleic acid comprising a nucleotide sequence which encodes a polypeptide comprising the amino acid sequence of SEQ ID NO:20, or the complement thereof.

48. (Previously presented) An isolated nucleic acid which hybridizes over its full length to the complement of the nucleotide sequence consisting of SEQ ID NO:19 under highly stringent conditions comprising washing in 0.1×SSC/0.1% SDS at 68° C.

49. (Previously presented) The isolated nucleic acid of claim 48, which encodes a polypeptide that binds to influenza virus NS1.

50. (Previously presented) An isolated nucleic acid comprising a nucleotide sequence which encodes a fusion polypeptide comprising the amino acid sequence encoded by the nucleic acid of claim 48 and a heterologous protein.

51. (Previously presented) An isolated nucleic acid comprising a nucleotide sequence which encodes a fusion polypeptide comprising the amino acid sequence of SEQ ID NO:20 and a heterologous protein.

52. (Previously presented) An expression vector comprising the nucleic acid of claim 46 operatively associated with a regulatory element that directs the expression of the nucleic acid.

53. (Previously presented) An expression vector comprising the nucleic acid of claim 47 operatively associated with a regulatory element that directs the expression of the nucleic acid.

54. (Previously presented) An expression vector comprising the nucleic acid of claim 48 operatively associated with a regulatory element that directs the expression of the nucleic acid.

55. (Previously presented) An expression vector comprising the nucleic acid of claim 50 operatively associated with a regulatory element that directs the expression of the nucleic acid.

56. (Previously presented) An expression vector comprising the nucleic acid of claim 51 operatively associated with a regulatory element that directs the expression of the nucleic acid.

57. (Previously presented) A genetically engineered host cell comprising the nucleic acid of claim 46 operatively associated with a regulatory element that directs the expression of the nucleic acid.

58. (Previously presented) A genetically engineered host cell comprising the nucleic acid of claim 47 operatively associated with a regulatory element that directs the expression of the nucleic acid.

59. (Previously presented) A genetically engineered host cell comprising the nucleic acid of claim 48 operatively associated with a regulatory element that directs the expression of the nucleic acid.

60. (Previously presented) A genetically engineered host cell comprising the nucleic acid of claim 50 operatively associated with a regulatory element that directs the expression of the nucleic acid.

61. (Previously presented) A genetically engineered host cell comprising the nucleic acid of claim 51 operatively associated with a regulatory element that directs the expression of the nucleic acid.

62. (Currently Amended) A method for producing a polypeptide comprising: (a) culturing the host cell of claim 57 under conditions in which the nucleic acid is expressed, and (b) recovering the polypeptide produced.

63. (Currently Amended) A method for producing a polypeptide comprising: (a) culturing the host cell of claim 58 under conditions in which the nucleic acid is expressed, and (b) recovering the polypeptide produced.

64. (Currently Amended) A method for producing a polypeptide comprising: (a) culturing the host cell of claim 59 under conditions in which the nucleic acid is expressed, and (b) recovering the polypeptide produced.

65. (Currently Amended) A method for producing a polypeptide comprising: (a) culturing the host cell of claim 60 under conditions in which the nucleic acid is expressed, and (b) recovering the polypeptide produced.

66. (Currently Amended) A method for producing a polypeptide comprising: (a) culturing the host cell of claim 61 under conditions in which the nucleic acid is expressed, and (b) recovering the polypeptide produced.

REMARKS

Claims 46-66 are pending in this application. Applicants thank Examiner Parkin for the courtesies extended during the telephone discussions on June 11, 2008 and July 3, 2008 concerning the rejection of claims 62-66 under 35 U.S.C. § 112, second paragraph. In an effort to expedite prosecution and without conceding to the merits of the rejection, Applicants have amended claims 62-66, as suggested by the Examiner, to recite that the polypeptide is recovered. Support for the amendment to claims 62-66 can be found at, *e.g.*, page 19, lines 27-35 and page 48, lines 1-26 of the specification of the application. Thus, the amendments to the claims do not constitute new matter.

The amendments have been made to remove the one outstanding issue and to place the application in condition for allowance. None of the amendments constitute new matter or require new searches. As such, entry of the amendments is proper. Accordingly, consideration of the amendments and remarks made herein and entry of them into the record for the application is requested.

If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Respectfully submitted,

Date: July 21, 2008

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Laura A. Coruzzi (Reg. No.)

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Jennifer J. Ch'Keda (Reg. No.)

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